

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering Department

AGENDA DATE: February 10, 2009

CONTACT PERSON/PHONE: R. Alan Shubert, P.E. - ext. 4423

DISTRICT(S) AFFECTED: 7

SUBJECT:

El Paso Electric Company is requesting an overhead electrical easement to provide electrical service and irrigation to the Crime Victims' Memorial Reading Garden within Yucca Park.

BACKGROUND / DISCUSSION:

The electrical easement is required to provide power for lighting and irrigation.

PRIOR COUNCIL ACTION:

City council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

No funding required for execution of this item.


BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:



(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an agreement granting an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Yucca Park site at 620 Yarbrough, said property being more particularly described as a portion of Lot 3, Municipal Service Center Subdivision, El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2009.

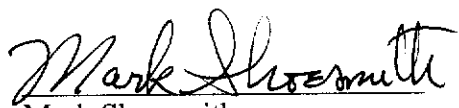
THE CITY OF EL PASO

John F. Cook
Mayor


ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Mark Shoosmith
Assistant City Attorney

APPROVED AS TO CONTENT:


R. Alan Shubert, P.E., C.B.O.
City Engineer

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

OVERHEAD ELECTRICAL EASEMENT

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an overhead electric system consisting of any and all necessary poles, cables, lines, wires, crossarms, guys and anchors for an above ground electric distribution and/or transmission system, together with the overhead of service wires, with the right of access, ingress, and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over, upon, and along the following described premises in El Paso County, Texas, to wit:

A portion of Lot 3, Municipal Service Center Subdivision, El Paso,
El Paso County, Texas and more particularly shown on Exhibit "A",
which is attached hereto and incorporated herein for all purposes.

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement and agrees to install its overhead lines in compliance with the National Electrical Safety Code.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of Grantor within the easement. Grantor agrees not to erect permanent structures on or over Grantee's overhead electrical facilities.

Grantor will not be held responsible for any damage to Grantee's overhead electrical facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the easement area in accordance with applicable City Code provisions.

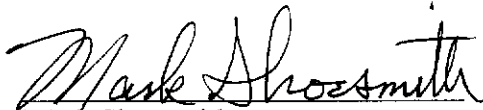
WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

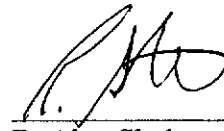
GRANTOR:
THE CITY OF EL PASO

Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Mark Shoesmith
Assistant City Attorney


R. Alan Shubert, P.E. C.B.O.
City Engineer

ACKNOWLEDGMENT

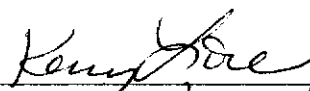
THE STATE OF TEXAS)
) s.s.
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2009
by Joyce A. Wilson as City Manager of the City of El Paso.

Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

GRANTEE:
EL PASO ELECTRIC COMPANY

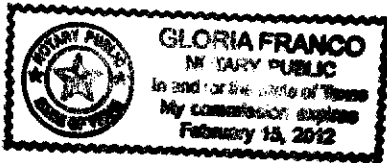
By: 
Printed Name: Kerry Lore
Title: Vice President - Customer Care

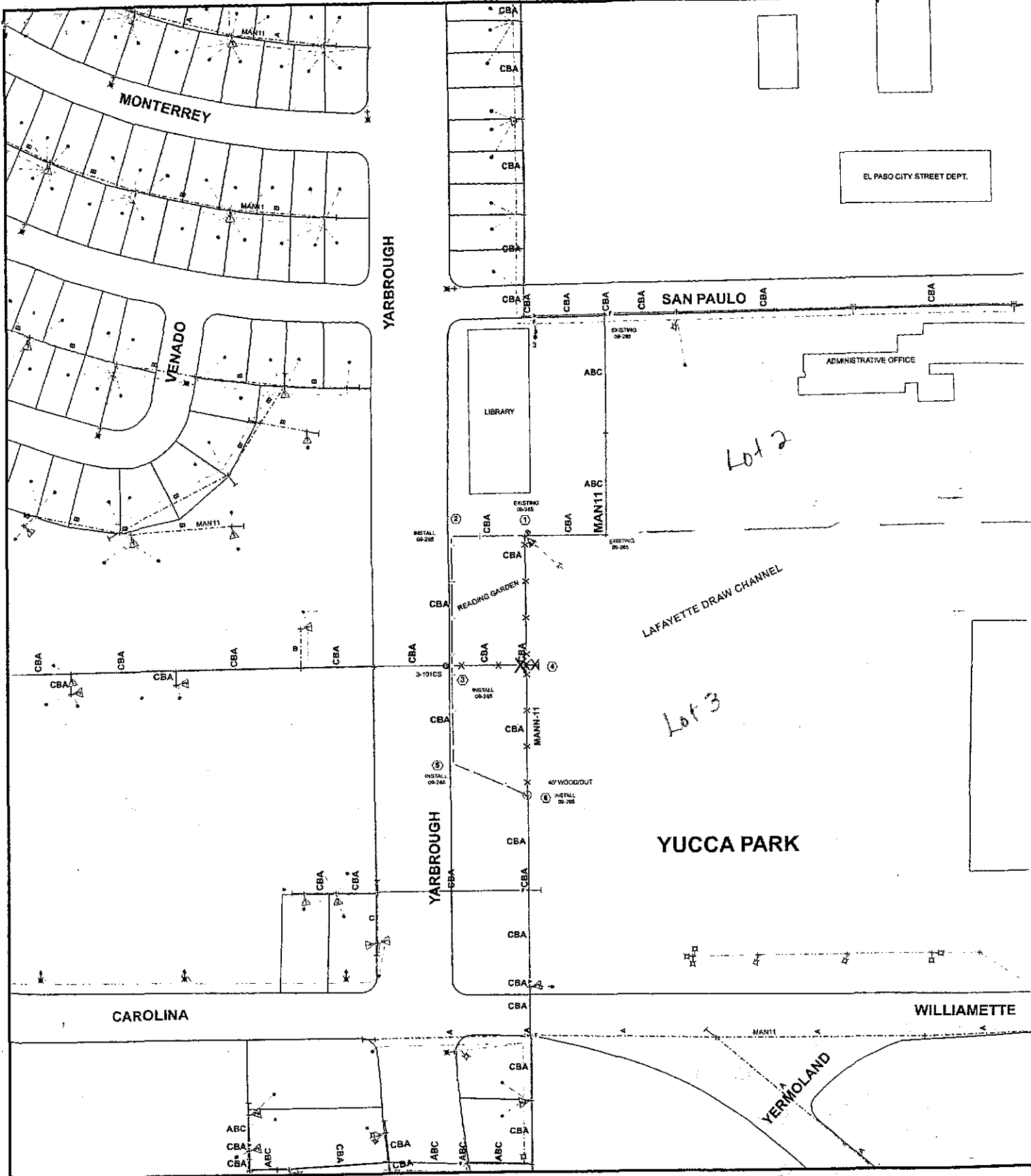
ACKNOWLEDGMENT

STATE OF TEXAS)
) s.s.
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 26 day of January, 2009
by KERRY LORE as VP - Customer Care of El Paso Electric Company, on behalf of the
El Paso Electric Company, a Texas corporation.

Gloria Franco
Notary Public, State of Texas





Range ____ / Township ____ / Section ____

Subdivision

Tract , Block , Lot

DATE: 12/16/2008

W.O. # DT007826

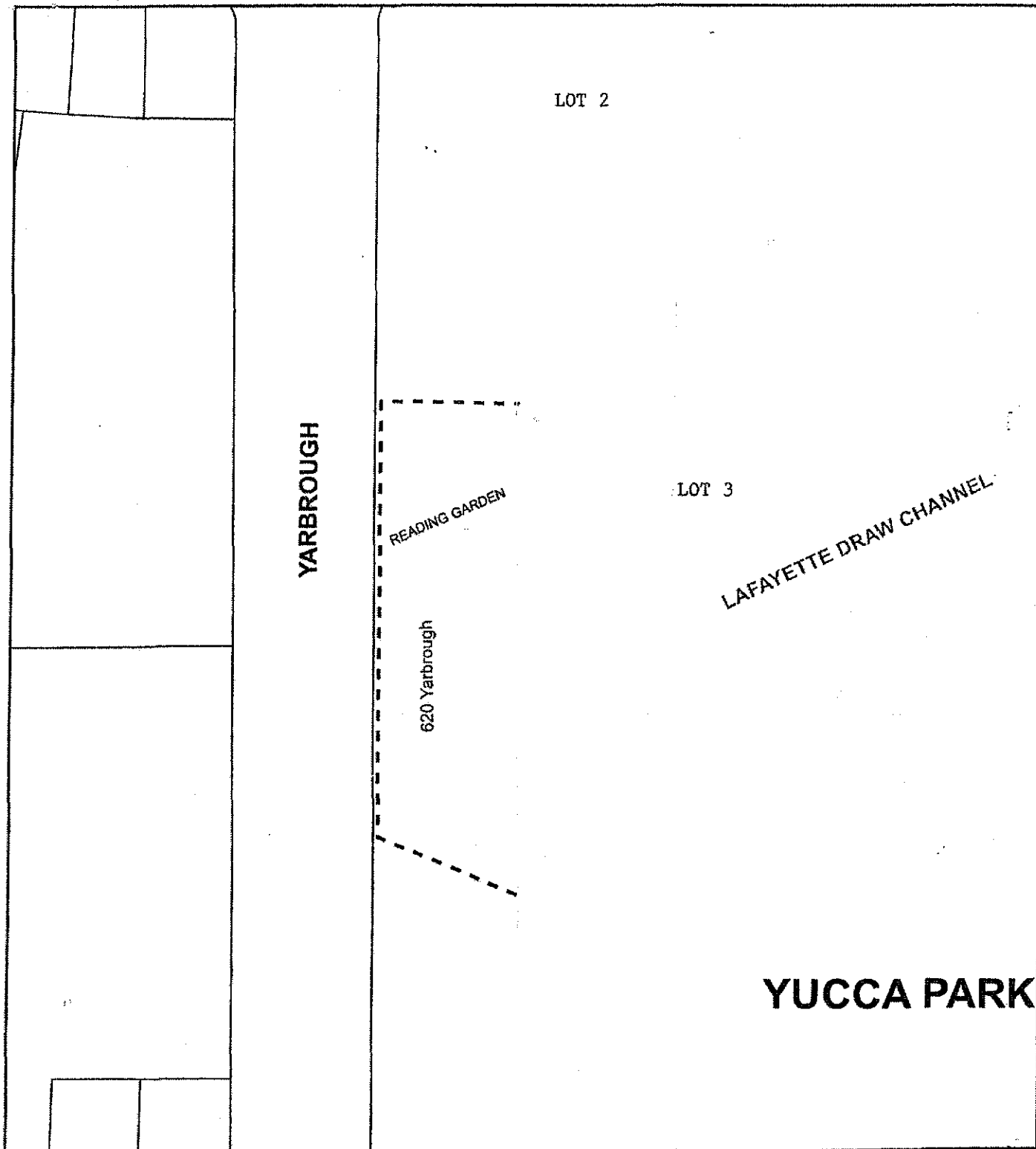


DETAIL PRINT



EL PASO ELECTRIC

Page 1
EXHIBIT "A"



SCALE: NONE

DATE: 12/16/2008

W.O. #DT007826

LEGEND

----- PROPOSED EPE CO. 10 FT. UTIL. ESMNT.



EL PASO ELECTRIC CO. R.O.W.

A PORTION OF:

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, Texas 79960

LOT 3
MUNICIPAL CENTER,
EL PASO COUNTY, TEXAS

Exhibit "A"

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